

TO BE RESCINDED

4901:1-6-20 **Tier one.**

(A) Tier one definition

Tier one includes basic local exchange service as defined in section 4927.01 of the Revised Code, as well as those services that are not essential but nevertheless retain such a high level of public interest that these services still require regulatory oversight.

(1) The following services, to the extent offered by a telephone company, shall be afforded continued regulatory oversight at this time:

(a) Tier one core services

(i) Basic local exchange service.

(ii) Basic caller identification (number delivery only services).

(b) Tier one noncore services

(i) Second and third local exchange service access lines.

(ii) Call waiting.

(iii) Call trace (*57).

(iv) Centrex access lines

(v) Private branch exchange (PBX) trunks.

(vi) Per line number identification blocking.

(vii) Nonpublished number service.

(viii) N-1-1 access and usage, unless exempted.

(2) The commission may add any new services to this list in the future for which the commission determines that a specific public interest exists.

(B) Tier one regulatory framework

(1) Tariff requirements

- (a) All terms, conditions, and pricing of tier one services must be maintained in a complete, up-to-date paper tariff on file at the offices of the commission at all times.
- (b) All tier one services must show a maximum and actual rate in the tariff.
- (c) The minimum rate, which must be no lower than the long run service incremental cost plus a common cost allocation, need not appear in the tariff.
- (d) The maximum rate for CLEC tier one offerings will be established based on the marketplace. ILEC pricing will continue to be subject to the retail pricing constraints established in Chapter 4901:1-4 of the Administrative Code, and the applicable provisions of the ILECs' qualifying alternative regulation plan.
- (e) The commission and staff will continue to apply a test of reasonableness to the initial rate setting.

(2) New services

- (a) New tier one services require a pre-filing submittal to the commission's telecommunications division thirty calendar days prior to filing the application with the commission and must be clearly marked as a pre-filing submittal. Pre-filing submittals for new tier one residential services shall also be provided to the Ohio consumers' counsel thirty calendar days prior to filing the application with the commission.
- (b) Such prefiled application must include the following:
 - (i) A copy of the superseded tariff sheet(s) and price list(s), if applicable, marked as exhibit A.
 - (ii) A copy of the revised tariff sheet(s) and price list(s), marked as exhibit B.

(iii) A description and rationale of the proposed tariff changes, including a complete description of the services proposed or affected, marked as exhibit C.

(c) Subsequent to the thirty-day prefiling time frame, the applicant may file an application to provide the new service offering in its end user tariff through an application for tariff approval (ATA) case along with a completed competitive retail services form. The application shall be effective on the day of filing, unless suspended.

(d) Should the commission's staff notify the applicant prior to the expiration of the thirty-day prefiling time frame that the application requires further investigation, the applicant may publicly file the application in an ATA subject to a thirty-day automatic approval time frame and shall become effective on the thirty-first day, unless suspended.

(3) Change in terms and conditions

(a) In order to change the terms and conditions of an existing tier one service, the LEC must docket an ATA with the commission along with a completed telecommunications application form.

(b) Upon the filing by the LEC of an application to change the terms and conditions of an existing tier one service, the application will be subject to a thirty-day automatic approval procedure and shall become effective thirty-one calendar days after filing, unless suspended. Such filing does not preclude the ability of the commission to impose a full or partial suspension. Interested persons may file comments on the application within fourteen calendar days from the filing of the application.

(c) In applications for change in terms and conditions of an existing tier one service, the LEC must comply with the notice requirements of rule 4901:1-6-17 of the Administrative Code.

(d) An affidavit attesting to the fact that customer notice has been provided in accordance with this rule must accompany the ATA application.

(4) Cost studies

(a) To demonstrate the cost of service and price floor, a CLEC and a SLEC may be required to submit a LRSIC study upon demand to the

commission's staff.

- (b) To demonstrate the cost of service and price floor, a large ILEC is required to submit a LRSIC study concurrent with the filing of the new service application.
- (c) The rates of any LEC are subject to suspension and reversal should the commission find, after review of a cost study, that the service was priced below the LRSIC of such service.

(5) Rate changes

- (a) Rate changes within the approved range are subject to a zero-day notice-only filing under the company's TRF docket.
- (b) Increases within the approved range also require a customer notice in accordance with rule 4901:1-6-17 of the Administrative Code.
- (c) An affidavit attesting to the fact that customer notice has been provided in accordance with this rule must accompany the zero-day notice-only filing.

(6) Self-complaint cases

To raise the ceiling of an approved rate range for a tier one service, CLECs must file a self-complaint (SLF) application that includes commission-approved customer notice to affected customers in accordance with rule 4901:1-6-17 of the Administrative Code. Such applications are subject to sixty-day automatic approval outlined in paragraph (B) of rule 4901:1-6-05 of the Administrative Code. ILEC tier one service rates will be capped pursuant to the provisions of Chapter 4901:1-4 of the Administrative Code.

Effective: 09/18/2007

R.C. 119.032 review dates: 06/18/2007

CERTIFIED ELECTRONICALLY

Certification

09/06/2007

Date

Promulgated Under: 111.15
Statutory Authority: 4901.13
Rule Amplifies: 4901.13, 4927.03
Prior Effective Dates: 4/8/03